

25.401 Exceptions.

(a) This subpart does not apply to-

(1) *Acquisitions* set aside for small businesses;

(2) *Acquisitions* of arms, ammunition, or war materials, or purchases indispensable for national security or for *national defense* purposes;

(3) *Acquisitions* of *end products* for resale;

(4) *Acquisitions* from Federal Prison Industries, Inc., under [subpart 8.6](#), and *acquisitions* under [subpart 8.7](#), *Acquisition* from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled; and

(5) Other *acquisitions* not using *full and open competition*, if authorized by [subpart 6.2](#) or [6.3](#), when the limitation of competition would preclude use of the procedures of this subpart; or *sole source acquisitions* justified in accordance with [13.501\(a\)](#).

(b) In the World Trade Organization Government *Procurement* Agreement (WTO GPA) and each FTA, there is a U.S. schedule that lists services that are excluded from that agreement in *acquisitions* by the *United States*. *Acquisitions* of the following services are excluded from coverage by the U.S. schedule of the WTO GPA or an FTA as indicated in this table:

	The Service (Federal Service Codes from the Federal <i>Procurement</i> Data System Product/Service Code Manual are indicated in paren-theses for some services.)	WTO GPA and KOREA FTA	Bahrain FTA, CAFTA-DR, Chile FTA, Colombia FTA, NAFTA, Oman FTA, Panama FTA, and Peru FTA	Singapore FTA	Australia and Morocco FTA
(1)	All services purchased in support of military services overseas.	X	X	X	X
(2)	(i) Automatic data processing (ADP) telecommunications and transmission services (D304), except enhanced (<i>i.e.</i> , value-added) telecommunications services.	X	X		

	(ii) ADP teleprocessing and timesharing services (D305), telecommunications network management services (D316), automated news services, data services or other information services (D317), and other ADP and telecommunications services (D399).	X	X		
	(iii) Basic telecommunications network services (<i>i.e.</i> , voice telephone services, packet-switched data transmission services, circuit-switched data transmission services, telex services, facsimile services, and private leased circuit services, but not information services, as defined in 47 U.S.C.153(24)).	*	*	X	X
(3)	Dredging.	X	X	X	X
(4)	(i) Operation and management contracts of certain Government or privately owned facilities used for Government purposes, including Federally Funded Research and Development Centers.	X		X	
	(ii) Operation of all Department of Defense, Department of Energy, or the National Aeronautics and Space Administration facilities; and all Government-owned research and development facilities or Government-owned environmental laboratories.	**	X	**	X
(5)	Research and development.	X	X	X	X

(6)	Transportation services (including launching services, but not including travel agent services).	X	X	X	X
(7)	Utility services.	X	X	X	X
(8)	Maintenance, repair, modification, rebuilding and installation of equipment related to ships (J019).		X		X
(9)	Nonnuclear ship repair (J998).		X		X

* Note1. *Acquisitions* of the services listed at (2)(iii) of this table are a subset of the excluded services at (2)(i) and (ii), and are therefore not covered under the WTO GPA.

** Note2. *Acquisitions* of the services listed at (4)(ii) of this table are a subset of the excluded services at (4)(i), and are therefore not covered under the WTO GPA.

Parent topic: [Subpart 25.4 - Trade Agreements](#)